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Patent  
Attorney's Docket No. 011900-309

1635

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Yoshikatsu KODAMA et al. ) Group Art Unit: 1635  
Application No.: 09/833,637 ) Examiner: Unassigned  
Filed: April 13, 2001 )  
For: GLYCOPROTEIN HAVING )  
INHIBITORY ACTIVITY AGAINST )  
HELICOBACTER PYLORI )  
COLONIZATION )

**PRELIMINARY AMENDMENT TRANSMITTAL LETTER**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed is a Preliminary Amendment for the above-identified patent application.

- ☐ A Petition for Extension of Time is also enclosed.
- ☐ A Terminal Disclaimer and a check for ☐ \$55.00 (248) ☐ \$110.00 (148) to cover the requisite Government fee are also enclosed.
- ☒ Also enclosed is an Information Disclosure Statement Transmittal; an Information Disclosure Statement, a PTO Form 1449 and 4 references.
- ☐ Small entity status is hereby claimed.
- ☐ Applicant(s) request continued examination under 37 C.F.R. § 1.114 and enclose the ☐ \$355.00 (279) ☐ \$710.00 (179) fee due under 37 C.F.R. § 1.17(e).
- ☐ Applicant(s) previously submitted \_\_, on \_\_, for which continued examination is requested.
- ☐ Applicant(s) request suspension of action by the Office until at least \_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- ☐ A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (146/246) is also enclosed.
- ☒ No additional claim fee is required.

(03/01)

☐ An additional claim fee is required, and is calculated as shown below:

AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADDT'L FEE
Total Claims	15	MINUS 20 =	-0-	× \$18.00 (103) =	-0-
Independent Claims	5	MINUS 5 =	-0-	× \$80.00 (102) =	-0-
If Amendment adds multiple dependent claims, add \$270.00 (104)					
Total Amendment Fee					
If small entity status is claimed, subtract 50% of Total Amendment Fee					
<b>TOTAL ADDITIONAL FEE DUE FOR THIS AMENDMENT</b>					<b>-0-</b>

☐ A claim fee in the amount of \$\_\_\_\_\_ is enclosed.

☐ Charge \$\_\_\_\_\_ to Deposit Account No. 02-4800.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

  
Susan M. Dadio

Registration No. 40,373

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: June 14, 2001



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PRE AMENDMENT / H  
AJ  
P#3  
6-22-01  
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**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination on the merits, please amend the above-identified application as follows:

**IN THE SPECIFICATION:**

Kindly replace the paragraph beginning at page 2, line 13, with the following:

-- Japanese Patent Application Kokai No. 11-263731 discloses that milk fat globule membrane fraction is effective for prevention of H. pylori infection. However, that publication merely teaches the ability to inhibit haemagglutination of H. pylori as evidence of prevention of H. pylori infection. Additionally, that publication states that milk fat globule membrane contains various components and does not state that which component is